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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,626	09/22/2003	Christopher L. Oesterling	GP-303941 2760/123	1187

7590 06/30/2006

General Motors Corporation  
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EXAMINER
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NGUYEN, TUAN HOANG

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/667,626

Applicant(s)

OESTERLING ET AL.

Examiner

Tuan H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 9-14, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zicker (US PAT. 6,151,510) in view of Fraser (U.S PAT. 6,947,732).

Consider claims 1 and 21, Zicker teaches for operating a vehicle communication unit within a mobile vehicle communication system, comprising: determining a primary communication mode failure (col. 27 lines 36-42); initiating a secondary communication mode responsive to the primary communication mode failure determination (col. 12 lines 42-55 and col. 31 lines 30-35).

Zicker does not explicitly show that operating a telematics device in the secondary communication mode within the vehicle communication unit.

In the same field of endeavor, Fraser teaches operating a telematics device in the secondary communication mode within the vehicle communication unit (col. 3 lines 6-19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, operating a telematics device in the secondary communication mode within the vehicle communication unit, as taught by Fraser, in order to access a mobile vehicle using a wireless communication system.

Consider claim 2, Zicker further teaches determining the primary communication mode failure comprises: detecting if the telematics unit can not initiate contact with a wireless carrier system (col. 40 lines 43-49); and detecting if the telematics unit can not maintain communication with the wireless carrier system (col. 10 line 69 through col. 11 line 6).

Consider claim 3, Zicker further teaches detecting if the telematics unit can not initiate communication with a wireless carrier system comprises: determining if the telematics unit is not equipped to operate in the primary communication mode (col. 40 lines 43-49); and determining if the telematics unit is not designed to operate in the primary communication mode (col. 26 lines 31-54).

Consider claim 4, Fraser further teaches determining the primary communication mode failure comprises: determining a GPS unit within the vehicle communication unit is unable to receive a GPS satellite broadcast from a GPS satellite broadcast system (col. 4 line 55 through col. 5 line 30).

Consider claim 9, Fraser further teaches operating the telematics device in the secondary communication mode comprises: communicating data to a wireless carrier system via a second mobile vehicle within a mobile vehicle communication system (col. 3 lines 48-59).

Consider claim 10, Fraser further teaches operating the telematics device in the secondary communication mode comprises: receiving data from a wireless carrier system via a second mobile vehicle within the mobile vehicle communication system (col. 3 lines 48-59).

Consider claim 11, Zicker teaches a computer readable medium for operating a vehicle communication unit within a mobile vehicle communication system, comprising: computer readable code for determining a primary communication mode failure (col. 26 lines 31-54); computer readable code for initiating a secondary communication mode responsive to the primary communication mode failure determination (col. 26 lines 31-54).

Zicker does not explicitly show that computer readable code for operating a telematics device in the secondary communication mode within the vehicle communication unit.

In the same field of endeavor, Fraser teaches computer readable code for operating a telematics device in the secondary communication mode within the vehicle communication unit (col. 3 lines 6-19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, computer readable code for operating a telematics device in the secondary communication mode within the vehicle communication unit, as taught by Fraser, in order to access a mobile vehicle using a wireless communication system.

Consider claim 12, Zicker further teaches the computer readable code for determining a primary communication mode failure comprises: computer readable code for detecting if the telematics unit can not initiate communication with a wireless carrier system (col. 40 lines 43-49); and computer readable code for detecting if the telematics unit can not maintain communication with the wireless carrier system (col. 10 line 69 through col. 11 line 6).

Consider claim 13, Zicker further teaches the computer readable code for detecting if the telematics unit can not initiate communication with a wireless carrier system comprises: computer readable code for determining if the telematics unit is not equipped to operate in the primary communication mode (col. 40 lines 43-49); and computer readable code for determining if the telematics unit is not designed to operate in the primary communication mode (col. 26 lines 31-54).

Consider claim 14, Fraser further teaches the computer readable code for determining a primary communication mode failure comprises: computer readable code

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for determining a GPS unit within the vehicle communication unit is unable to receive a GPS satellite broadcast from a GPS satellite broadcast system (col. 4 line 55 through col. 5 line 30).

Consider claim 19, Fraser further teaches the computer readable code for operating the telematics device within the secondary communication mode comprises: computer readable code for communicating data to a wireless carrier system via a second mobile vehicle within a mobile vehicle communication system (col. 3 lines 48-59).

Consider claim 20, Fraser further teaches the computer readable code for operating the telematics device within the secondary communication mode comprises: computer readable code for receiving data from a wireless carrier system via a second mobile vehicle within the mobile vehicle communication system (col. 3 lines 48-59).

3. Claims 5-8 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zicker (US PAT. 6,151,510) in view of Fraser (U.S PAT. 6,947,732) in view of Fraser (U.S PAT. 6,947,732) as applied to claims above, and further in view of Dabak et al. (U.S PUB. 2005/0181725).

Consider claims 5 and 15, Zicker and Fraser, in combination, fails to disclose the secondary communication mode is a short range wireless technology. However,

Dabak teaches the secondary communication mode is a short range wireless technology (page 1 [0014]). Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Dabak into view of Zicker and Fraser, in order to allow for a communication device that can communicate using a plurality of transmission modes depending on the communication needs of the device.

Consider claims 6 and 16, Dabak further teaches the short range wireless technology is Bluetooth standard (page 1 [0014]).

Consider claims 7 and 17, Dabak further teaches the secondary communication mode is a wireless networking technology (page 1 [0014]).

Consider claims 8 and 18, Dabak further teaches the wireless networking technology is selected from the group consisting of: IEEE 802.11 series standard, Dedicated Short Range Communication standard, and Bluetooth (page 1 [0014]).

### ***Conclusion***

4. Any response to this action should be mailed to:

Mail Stop\_\_\_\_\_ (Explanation, e.g., Amendment or After-final, etc.)



Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

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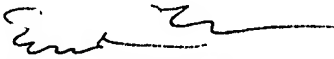
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571) 272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan Nguyen  
Examiner  
Art Unit 2618



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